

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARIE M. NOEL,

Plaintiff,

vs.

Case No. 4:05CV1737SNL

**DEACONESS HOSPITAL A/K/A ,
FOREST PARK HOSPITAL,
DR. S. BO PLURAD, JR., CARDINAL
GLENNON CHILDRENS' HOSPITAL,
DR. MAURICE GABRIEL,
PEOPLE'S HEALTH CLINIC,
SHRINER'S CHILDREN'S HOSPITAL,
and BJC CHILDREN'S HOSPITAL,**

Defendants.

MEMORANDUM AND ORDER

Pro se plaintiff originally filed this medical malpractice action, among other claims, in the Circuit Court for the City of St. Louis. This case was removed to federal court and assigned to this Court. This matter is before the Court on defendant Peoples Health Clinic's motion to dismiss and for substitution of the United States of America as party defendant (#9), filed October 26, 2005. As of today's date, plaintiff has failed to file a response.

In its uncontroverted motion, defendant Peoples Health Clinic avers that the U.S. Department of Health and Human Services, pursuant to Federally Supported Health Centers Assistance Act (FSHCAA), 42 U.S.C. §233(g)-(n), has classified defendant Peoples Health Clinic as an medical institution governed by the Federal Torts Claim Act (FTCA). Since the FTCA is only applicable to suits against the United States of America, defendant Peoples Health Clinic

seeks dismissal with prejudice of all claims against it, and substitution of the United States of America in its place.


Having reviewed the instant motion, and the relevant statutes, the Court concurs and will dismiss with prejudice defendant Peoples Health Clinic, and substitute in its place as party defendant, the United States of America.

Accordingly,

IT IS HEREBY ORDERED that defendant Peoples Health Clinic's motion to dismiss and for substitution (#9) be and is **GRANTED**. All claims are hereby **DISMISSED WITH PREJUDICE** as to defendant Peoples Health Clinic.

IT IS FINALLY ORDERED that the United States of America shall be substituted as party defendant in place of Peoples Health Clinic.

Dated this 18th day of November, 2005.



SENIOR UNITED STATES DISTRICT JUDGE